

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jane Doe 1, by and through her parents and natural guardians, Mother Doe 1 and Father Doe 1, and Jane Doe 2, by and through her parent and natural guardian, Mother Doe 2,

Civil File No:
Case Type: Discrimination

Plaintiffs,

v.

NOTICE OF REMOVAL

Independent School District 31 d/b/a
Bemidji Area Schools,

Defendant.

TO: District Court Administrator, Beltrami County Court Administration, 600 Minnesota Ave. NW, Suite 108, Bemidji, MN 56601-3037

and

Plaintiffs Jane Doe 1, by and through her parents and natural guardians, Mother Doe 1 and Father Doe 1, and Jane Doe 2, by and through her parent and natural guardian, Mother Doe 2, all through their attorney Rebekah Bailey at Nichols Kaster, PLLP, 4600 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402

Pursuant to 28 U.S.C. §§ 1441, 1443, and 1446, Defendant Independent School District 31 d/b/a Bemidji Area Schools (“the District”) herein notices its removal of the above-captioned action from Minnesota state court (Beltrami County) to this District of Minnesota federal district court. The file number of the Minnesota action is 04-CV-20-151. The Minnesota action was filed on January 13, 2020. Enclosed with this Notice of Removal are all process and pleadings served on the District in the Minnesota action.

Specifically, enclosed with this Notice of Removal are the following from the Minnesota action:

1. The Register of Actions (**Exhibit 1**);
2. The Notice of Case Filing (**Exhibit 2**);
3. The Summons and Complaint (**Exhibit 3**); and
4. The Affidavit of Service for the Summons and Complaint (**Exhibit 4**).

No orders have been issued by the Minnesota court in the Minnesota action.

This Notice of Removal is hereby filed within the time provided for by 28 U.S.C. § 1446(b). The “initial pleading” was the Complaint, served on December 20, 2019, as is reflected in the enclosed Affidavit of Service (Exhibit 4). The deadline to remove is Monday, January 20, 2020, under 28 U.S.C. § 1446(b)(1), because 30 days after service of the Complaint is Sunday, January 19, 2020. *See* Fed. R. Civ. P. 6(a).

Pursuant to 28 U.S.C. § 1446(d), the District will “promptly” give notice to the Plaintiffs and file a copy of the Notice of Removal with the clerk of the Minnesota state court after filing this Notice of Removal with this federal district court. The District will reflect this in a Certificate of Service that it will file with this Court shortly thereafter.

The Complaint asserts five Counts.

The ground for removal is federal-question jurisdiction as to Counts I and II. Under 28 U.S.C. § 1331, this Court has original jurisdiction over the federal statutory claims asserted by Plaintiffs: Count I (alleged Discrimination in Violation of Title IX, 20 U.S.C. § 1681, *et seq.*) and Count II (alleged Failure to Supervise and Train in Violation of Plaintiff’s Constitutional Rights, 42 U.S.C. § 1983, *et seq.*). Plaintiffs’ remaining

claims—Counts III, IV, and V—are Minnesota common-law negligence claims, over which this Court may exercise supplemental jurisdiction, pursuant to 28 U.S.C. § 1337, because they arise out the same factual allegations as the federal claims

ARTHUR, CHAPMAN, KETTERING,
SMETAK & PIKALA, P.A.

Dated: January 15, 2020

/s/ Sarah E. Bushnell

Sarah E. Bushnell (#326859)
Jeffrey M. Markowitz (#391959)
500 Young Quinlan Building
81 South Ninth Street
Minneapolis, MN 55402-3214
P: (612) 339-3500
F: (612) 339-7655
sebushnell@ArthurChapman.com
jmmarkowitz@ArthurChapman.com

*Attorneys for Defendant
Independent School District 31 d/b/a Bemidji
Area Schools*